

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 1157

Introduced by Senator Hancock

February 20, 2014

An act to amend Section 101012 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1157, as amended, Hancock. School facilities: Kindergarten-University Public Education Facilities Bond Act of 2006.

Existing law, known as the Kindergarten-University Public Education Facilities Bond Act of 2006, which was approved by the voters at the November 7, 2006, statewide general election, among other things, authorized the issuance of \$7,329,000,000 in bonds, the proceeds of which are to be allocated, in accordance with a schedule, for the construction and modernization of school facilities.

~~This bill would make nonsubstantive changes in the schedule that specifies the amounts to be allocated in various categories. The prohibit the funds identified for the repair or replacement of seismically vulnerable school facilities under the act from being transferred from the Seismic Repair Subaccount of the New Construction Account for use for any purpose other than seismic repair, reconstruction, or replacement.~~

The bill would require, in the event that the Budget Act of 2014 includes a transfer of the unencumbered funds remaining in the High Performance Schools Account to the New Construction Account or to the Modernization Account, the transferred funds to be used only for new construction or modernization projects that promote the use of

designs and materials in new construction and modernization projects that include the attributes of high-performance schools, as specified.

The bill would declare that it is consistent with, and furthers the purposes of, the act.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 101012 of the Education Code is amended
2 to read:
3 101012. (a) The proceeds from the sale of bonds, issued and
4 sold for the purposes of this chapter, shall be allocated in
5 accordance with the following schedule:
6 (1) (A) The amount of one billion nine hundred million dollars
7 (\$1,900,000,000) for new construction of school facilities of
8 applicant school districts under Chapter 12.5 (commencing with
9 Section 17070.10) of Part 10 of Division 1 of Title 1. ~~Of~~
10 (B) *Of the amount allocated under this paragraph, up to 10.5*
11 *percent shall be available for purposes of seismic repair,*
12 *reconstruction, or replacement, pursuant to Section 17075.10. To*
13 *meet the state's legal and moral obligation to protect the health*
14 *and safety of students and staff, funds identified for the repair or*
15 *replacement of seismically vulnerable school facilities under this*
16 *subparagraph shall not be transferred from the Seismic Repair*
17 *Subaccount of the New Construction Account for use for any*
18 *purpose other than seismic repair, reconstruction, or replacement*
19 *pursuant to Section 17075.10.*
20 (2) The amount of five hundred million dollars (\$500,000,000)
21 shall be available for providing school facilities to charter schools
22 pursuant to Article 12 (commencing with Section 17078.52) of
23 Chapter 12.5 of Part 10 of Division 1 of Title 1.
24 (3) The amount of three billion three hundred million dollars
25 (\$3,300,000,000) for the modernization of school facilities pursuant
26 to Chapter 12.5 (commencing with Section 17070.10) of Part 10
27 of Division 1 of Title 1.
28 (4) The amount of five hundred million dollars (\$500,000,000)
29 for the purposes set forth in Article 13 (commencing with Section
30 17078.70) of Chapter 12.5 of Part 10 of Division 1 of Title 1,
31 relating to facilities for career technical education programs.

(5) Of the amounts allocated under paragraphs (1) and (3), up to two hundred million dollars (\$200,000,000) for the purposes set forth in Chapter 894 of the Statutes of 2004, relating to incentives for the creation of smaller learning communities and small high schools.

(6) The amount of twenty-nine million dollars (\$29,000,000) for the purposes set forth in Article 10.6 (commencing with Section 17077.40) of Chapter 12.5 of Part 10 of Division 1 of Title 1, relating to joint use projects.

(7) The amount of one billion dollars (\$1,000,000,000) shall be available for providing new construction funding to severely overcrowded schoolsites pursuant to Article 14 (commencing with Section 17079) of Chapter 12.5 of Part 10 of Division 1 of Title 1.

(8) (A) The amount of one hundred million dollars (\$100,000,000) for incentive grants to promote the use of designs and materials in new construction and modernization projects that include the attributes of high-performance schools, including, but not necessarily limited to, the elements set forth in Section 17070.96, pursuant to regulations adopted by the State Allocation Board.

(B) *In the event that the Budget Act of 2014 includes a transfer of the unencumbered funds remaining in the High Performance Schools Account created pursuant to subparagraph (A) to the New Construction Account created pursuant to paragraph (1) or to the Modernization Account created pursuant to paragraph (3), the transferred funds shall be used only for new construction or modernization projects meeting the purposes set forth in subparagraph (A).*

(b) School districts may use funds allocated pursuant to paragraph (3) of subdivision (a) only for one or more of the following purposes in accordance with Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1:

(1) The purchase and installation of air-conditioning equipment and insulation materials, and related costs.

(2) Construction projects or the purchase of furniture or equipment designed to increase school security or playground safety.

(3) The identification, assessment, or abatement in school facilities of hazardous asbestos.

1 (4) Project funding for high-priority roof replacement projects.

2 (5) Any other modernization of facilities pursuant to Chapter
3 12.5 (commencing with Section 17070.10) of Part 10 of Division
4 1 of Title 1.

5 (c) Funds allocated pursuant to paragraph (1) of subdivision (a)
6 may also be utilized to provide new construction grants for eligible
7 applicant county boards of education under Chapter 12.5
8 (commencing with Section 17070.10) of Part 10 of Division 1 of
9 Title 1 for funding classrooms for severely handicapped pupils,
10 or for funding classrooms for county community school pupils.

11 (d) (1) The Legislature may amend this section to adjust the
12 funding amounts specified in paragraphs (1) to (8), inclusive, of
13 subdivision (a), only by either of the following methods:

14 (A) By a statute, passed in each house of the Legislature by
15 rollcall vote entered in the respective journals, by not less than
16 two-thirds of the membership in each house concurring, if the
17 statute is consistent with, and furthers the purposes of, this chapter.

18 (B) By a statute that becomes effective only when approved by
19 the voters.

20 (2) Amendments pursuant to this subdivision may adjust the
21 amounts to be expended pursuant to paragraphs (1) to (8), inclusive,
22 of subdivision (a), but may not increase or decrease the total
23 amount to be expended pursuant to that subdivision.

24 (e) Funds available pursuant to this section may be used for
25 acquisition of school facilities authorized pursuant to Section
26 17280.5.

27 SEC. 2. The Legislature finds and declares that the amendments
28 to Section 101012 of the Education Code made by Section 1 of
29 this act are consistent with, and further the purposes of, the
30 Kindergarten-University Public Education Facilities Bond Act of
31 2006.